

Crow Lane Landfill Update — September 23, 2014

Commonwealth Files Contempt Complaint against New Ventures in Superior Court

The Attorney General's Office has filed a Complaint for Contempt against New Ventures Associates, LLC ("New Ventures") with respect to the Crow Lane Landfill. The Contempt Complaint specifically concerns New Ventures' obligations under the Superior Court's Final Judgment, which was issued in April 2009 (Suffolk Superior Court, Civil Action No. 06-0790 C). The Complaint and supporting documents, which will be posted on MassDEP's website later today or tomorrow, include:

1. September 22, 2014 letter from Massachusetts Attorney General's Office to New Ventures LLC's Attorney
2. Complaint for Contempt
3. Affidavit of Susan P. Ruch, MassDEP Deputy Regional Director, Bureau of Waste Prevention
4. Affidavit of John A. Carrigan, MassDEP Chief, Solid Waste Management Section
5. Affidavit of Richard J. Spieler, Environmental Engineer
6. Technical Addendum to Affidavits

The Complaint asks the Court to find New Ventures in contempt for: (1) failing to operate, monitor, maintain, and repair the enclosed flare and landfill gas control system; (2) failing to repair and seal breaches in the landfill's cap; and (3) failing to submit a Landfill Closure Completion application that meets the requirements of the Final Judgment. Because this matter is now in litigation, MassDEP hopes that interested persons will recognize that we are constrained from discussing details related to the case.

Additional Information and Documents

In addition to this web page update posted on the MassDEP Northeast Region website at: <http://www.mass.gov/eea/agencies/massdep/about/contacts/crow-lane-landfill-newburyport-monitoring-reports-data.html>, an email was sent to an interested persons list. Please send your questions, comments and suggestions to: crowlane.information@massmail.state.ma.us.

MassDEP Oversight

MassDEP and/or personnel from MassDEP's consultant (Shaw Environmental Inc.) continue to monitor the landfill on a regular basis. MassDEP and/or Shaw personnel are scheduled to be at the Landfill several times per week.

Real-time emails to the Crow Lane Information mailbox regarding any perceived odors or issues at or near the Landfill may allow us to deploy inspectors real-time, and are much appreciated.